


AMENDMENT NUMBER TWO (2)
INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE MARICOPA COUNTY, ARIZONA

THIS AGREEMENT is entered into 20th of April, 2005 **Amendment Two** to JPA 99-187, AG Contract No.: KR99-2769TRN filed with the Secretary of State under No. 24136, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION, acting by and through its Board of Supervisors (the "County").

I. RECITALS

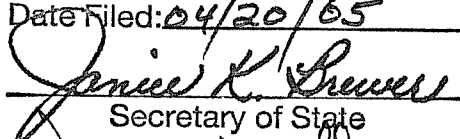
1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.

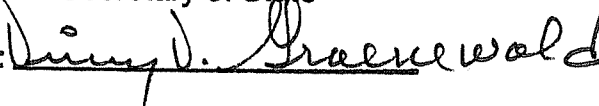
2. The County is empowered by Arizona Revised Statutes Section 11-251 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the County.

 This Agreement is being amended as follows: a) The parties agree to amend the above-referenced Agreement **to increase the amount payable to the County by an additional amount not to exceed \$460,000.00** for the additional work needed for the completion of the Design Concept Report (DCR) and Environmental Assessment for Estrella Freeway (SR 303L) from Interstate 10 to Grand Avenue (US 60); b) Amendment Number One is attached hereto and made a part hereof as Exhibit A. To date, the additional amount of \$460,000.00 stated herein brings the total amount of increase payable to the County to \$710,000.00 (see attached Amendment Number One) over and above the original amount of \$1.1 Million as stated in the attached Agreement; c) A Memorandum of Understanding signed and dated November 15, 2004 by both parties is attached hereto and made a part hereof as Exhibit B.

THEREFORE, in consideration of the mutual agreements expressed herein, the Agreement is amended as follows:

#02

NO. 24136
Filed with the Secretary of State
Date Filed: 04/20/05

Secretary of State

By: 

II. SCOPE OF WORK

Article II.1. k. is added to the original Agreement as follows:

1. The State will:

"k. Provide an agreed upon amount not to exceed \$460,000.00 in design funding thereby increasing the amount payable to the County by an additional amount up to \$460,000.00 for the additional work needed for the completion of the Design Concept Report (DCR) and Environmental Assessment for Estrella Freeway (SR 303L) from Interstate 10 to Grand Avenue (US 60)."

Article II.2.g. is revised and replaces Article II.2.g. in its entirety of the original Agreement as follows:

2. The County will:

"g. Upon completion of negotiations with the Consultant for the additional work needed to complete the Design Concept Report ("DCR") and Environmental Assessment for Estrella Freeway (SR 303L) from Interstate 10 (I-10) to Grand Avenue (US 60), invoice the State an agreed upon amount not to exceed \$460,000.00.

EXCEPT AS AMENDED HEREIN, ALL OTHER terms and conditions of the Agreement remain the same.

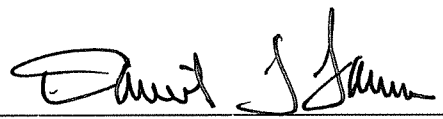
IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

MARICOPA COUNTY

STATE OF ARIZONA

Department of Transportation

By 
MAX W. WILSON
Chairman of the Board

By 
DANIEL S. LANCE, P.E.
Deputy State Engineer

ATTEST

By  3/9/05
FRAN MCCARROLL
Clerk of the Board

99-187-MCDOT-Amend 2-14Jan2005-pd

 2/24/05
DEPUTY MARICOPA COUNTY ATTORNEY

**MEMORANDUM OF UNDERSTANDING
BETWEEN MARICOPA COUNTY AND
THE ARIZONA DEPARTMENT OF TRANSPORTATION
FOR THE COMPLETION OF THE DESIGN CONCEPT REPORT AND
ENVIRONMENTAL ASSESSMENT FOR SR 303 FROM
INTERSTATE 10 TO GRAND AVENUE**


Purpose:

The purpose of this memorandum is to outline the mutual understanding of the Maricopa County Department of Transportation (MCDOT) and the Arizona Department of Transportation (ADOT) of each party's respective role in having URS complete the Design Concept Report and Environmental Assessment for SR 303 from I -10 to Grand Avenue per Change Order #8 (attached).

Project/Scope:

The tasks remaining to complete the study include scope and budget for URS, Entranco, PEC and Mountain Graphics and Design (printing). Additional effort is also needed in the following areas: contract administration, traffic data forecast, draft drainage report, draft geotechnical and pavement report, prepare IDCR, change of access report, prepare draft DCR, coordinate with draft and final EA, hold public hearing, final DCR, drainage system cost sharing, and provide information upon request.


FOR AMENDMENT TWOFunding:

The change order by URS for the completion of the study will be paid by MCDOT, who will be reimbursed by ADOT. The State's reimbursement will not exceed ~~\$360,000.00~~ \$460,000.00. ADOT will remit payment within 30 days of receipt of an invoice from the County. 

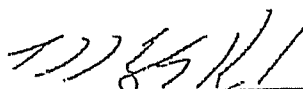
Responsibility of the County:

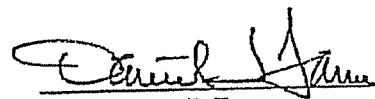
1. The County will continue to administer the contract until the document is signed and sealed by the Federal Highway Administration in the Summer of 2005.

Responsibility of the State:

1. The State will reimburse the County for all charges from URS to complete the study on SR 303 which will not exceed ~~\$360,000.00~~ \$460,000.00. The State will remit payment within 30 days of receipt of an invoice from the County. 

If these points are consistent with your understanding of our previous discussions, please show your concurrence by signing below.

 11/15/04
Michael S. Ellegood, P.E. Date
Director of Public Works
Transportation Director & County Engineer

 11/15/04
Dan Lance, P.E. Date
Deputy State Engineer
Arizona Department of Transportation



OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

TERRY GODDARD
ATTORNEY GENERAL

CIVIL DIVISION
TRANSPORTATION SECTION
WRITER'S DIRECT LINE: 602.542.8855

INTERAGENCY SERVICE AGREEMENT
DETERMINATION

A.G. Contract No. KR99-2769TRN (**JPA 99-187, Amendment No. Two**), an Agreement between public agencies, i.e., The State of Arizona and The Maricopa County, Arizona, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: April 11, 2005

TERRY GODDARD
Attorney General

A handwritten signature in cursive script that reads "Susan Davis". The signature is written in dark ink and is positioned above the printed name and title.

Susan E. Davis
Assistant Attorney General
Transportation Section

SED:mjf
Attachment
899922